

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

Return Date: January 29, 2015
Time: 9:30 a.m.

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In re:

HARRY PROPHETE AKA
HARRY PROPHETE, MD

Chapter 13
Case No.: 814-75403-736

Debtor(s)

NOTICE OF MOTION

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SIRS / MADAMS

PLEASE TAKE NOTICE, that MICHAEL J. MACCO, Chapter 13 Trustee of the above captioned estate, will move before the Honorable Robert E. Grossman, United States Bankruptcy Judge on the 29th day of JANUARY, 2015 at 9:30 a.m., at the United States Bankruptcy Court located at the Alfonse M. D'Amato U.S. Courthouse, 290 Federal Plaza – Courtroom 860, Central Islip, New York 11722, for an Order pursuant to 11 U.S.C. §§521 & 1307(c), dismissing this case by reason of the debtor(s)' failure to provide and/or file documents, and for such other and further relief as this Court deems just and proper.

PLEASE TAKE FURTHER NOTICE, that answering papers, if any, shall be filed with the Court and served upon the undersigned no later than three (3) days prior to the return date of this motion.

Dated: Melville, New York
January 12, 2015

Yours, etc.

MICHAEL J. MACCO
Chapter 13 Trustee
135 Pinelawn Road, Suite 120 South
Melville, New York 11747
(631) 549-7900

To: *Office of the United States Trustee*
Harry Prophete
Vincent Cuocci, Esq., Attorney for Debtor(s)

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

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In re:

HARRY PROPHETE AKA
HARRY PROPHETE, MD

Chapter 13
Case No.: 814-75403-736

Debtor(s)

APPLICATION

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TO THE HONORABLE ROBERT E. GROSSMAN, UNITED STATES BANKRUPTCY
JUDGE:

MICHAEL J. MACCO, Chapter 13 Trustee in the above captioned estate,
respectfully represents as follows:

1. The debtor(s) filed a petition under the provisions of 11 U.S.C. Chapter 13 on
December 3, 2014, and thereafter MICHAEL J. MACCO was duly appointed and has qualified
as Trustee.

2. As of the date of this motion, the debtor(s) has failed to provide the Trustee with \
copies of 2013 Corporate State and Federal Tax Returns; list of business assets and their fair
market value including aging accounts receivable; operating reports with bank statements and
proof of tax deposits; amended Chapter 13 Plan; utility bills for the month of December
including gas/oil, water, telephone, electric, and cable; and a detailed affidavit regarding disputed
debts.

3. This is a material default and is prejudicial to the rights of the creditors of the
debtor(s).

WHEREFORE, the Trustee prays for an Order pursuant to the provisions of 11
U.S.C. §§ 521 & 1307(c), dismissing this case, and for such other and further relief as this Court
deems just and proper.

Dated: Melville, New York
January 12, 2015

/s/ **Michael J. Macco**

Michael J. Macco, Chapter 13 Trustee
135 Pinelawn Road – Suite 120 South
Melville, New York 11747
(631) 549-7900

STATE OF NEW YORK)
COUNTY OF SUFFOLK) ss.:

JANINE ZARRILLI, being duly sworn, deposes and says: deponent is not a party to this action, is over 18 years of age, and resides in Suffolk County, New York.

On January 12, 2015, deponent served the within:

NOTICE OF MOTION AND APPLICATION

upon the following parties, at the addresses designated by said parties for that purpose, by depositing a true copy of same, enclosed in a post-paid, properly addressed wrapper in an official depository under the exclusive care and custody of the United States Postal Service within the State of New York:

*Office of the United States Trustee
U.S. Bankruptcy Court
Alfonse M. D'Amato U.S. Courthouse
560 Federal Plaza
Central Islip, NY 11722*

*Harry Prophete
35 Marietta Drive
Westbury, NY 11590*

*Vincent Cuocci, Esq.
Attorney for Debtor(s)
320 West Main Street, 2nd Floor
Sayville, NY 11782*

/s/ Janine Zarrilli
JANINE ZARRILLI

Sworn to before me this
12th day of JANUARY, 2015

/s/ Saniyyah S. Greene

NOTARY PUBLIC

Saniyyah S. Greene
Notary Public, State of New York
No. 01GR6172195
Qualified in Suffolk County
Commission Expires August 6, 2015